

REMARKS

Claims 1, 14, 18, 21, 28 and 31 are pending in the present Office Action.

Applicants acknowledge the entering of applicants' previous submission, i.e., the Amendment under 37 CFR §1.116, on December 21, 2007 with the Request for Continued Examination which precipitated withdrawal of the finality of the previous Office Action pursuant to 37 CFR §1.114.

In response to the present non-final Office Action, mailed on February 12, 2008, applicants respectfully request the amendments be entered under 37 CFR §1.112. Independent claims 1 and 21 are amended to clarify the claimed subject matter by removing the language directed to the first and second probe being arranged substantially concentrically, and removing the language directed to the first probe and the second probe having substantially the same central axis. Therefore, no new matter is added by this amendment.

Objections to the Drawings and Specification

The drawings are objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter under 37 CFR §1.75(d)(1) and MPEP §608.01(o). The examiner states that one single embodiment having the probes arranged coaxially or concentrically and the probe arrangement being formed by

dividing a cylindrical or circular shaped tube in the longitudinal direction and the two probes having the same central axis must be shown or the feature(s) canceled from the claim(s).

In response to the objections to the drawings and the specification, applicants have amended claims independent claims 1 and 21 by removing the language directed to the first and second probe being arranged substantially concentrically, and removing the language directed to the first probe and the second probe having substantially the same central axis. The calculus treatment system 101 according to a fifth embodiment of the invention, shown in FIGS. 12-15 includes a probe arrangement formed by longitudinally dividing a cylindrical or circular tube in the longitudinal direction. Thus, the embodiments shown in FIGS. 12-15 supports amended claims 1 and 21, as recitation of the concentric arrangement and the shared central axis of the first and second probes has been removed. Therefore, applicants believe the objections to the drawings and specification to be remedied.

The Rejections under 35 USC §112

In the Office Action, claims 1, 14, 18, 21, 28 and 31 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The examiner alleges that the specification does not provide support for a single embodiment having the probes arranged coaxially or concentrically and the probe arrangement being formed by dividing a cylinder or circular shaped tube in the longitudinal direction and the two probes having the same central axis. The examiner states that Figs. 1, 3, 5, 6, 8 and

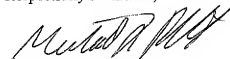
10 show the probes being concentric or sharing the same central axis, but only Figs. 13-15 shown the probe arrangement formed by longitudinally dividing a cylindrical or circular tube in the longitudinal direction.

Claims 1 and 21 are amended herein to further clarify the subject matter of the invention by removing the language directed to the first and second probe being arranged substantially concentrically, and removing the language directed to the first probe and the second probe having substantially the same central axis. Thus, the calculus treatment system 101 according to a fifth embodiment of the invention, shown in FIGS. 12-15 includes a probe arrangement formed by longitudinally dividing a cylindrical or circular tube in the longitudinal direction. Therefore, the embodiment shown in FIGS. 12-15 supports amended claims 1 and 21, as recitation of the concentric arrangement and the shared central axis of the first and second probes has been removed. Therefore, applicants believe the rejection of the claims under 35 USC §112 to be remedied.

Dependent claims 14, 18, 28 and 31 having base claims 1 and 21, respectively, incorporate all of the structure of their base claims, and are believed allowable for at least the same reasons discussed above, as well as for the additional subject matter claimed therein. Additionally, applicants believe that the remaining dependent claims above do not include limitations of more than one disclosed embodiment.

Applicants' believe that the paper submitted herein provides a complete response to the Office Action, and the present case is in condition for allowance. Therefore, in view of the foregoing, applicants respectfully request entering of the amendments, reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course. If the examiner determines that anything further is desirable to place this application in even better form for allowance, the examiner is invited to telephone the undersigned.

Respectfully submitted,



Michael A. Petrocelli
Registration No. 53,461

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

TS/MAP:ej